

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 3-7 and 9-12 are in the application for consideration. Claims 1, 4, and 7 have been canceled. Claims 1 and 7 have been rewritten as claims 13 and 16. No new matter is added.

The arguments of the previous responses are maintained.

Claims 7 and 9-12 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that the phrase "growing the plant cell under conditions sufficient to produce a regenerated plant having cells exhibiting increased endoreduplication" renders the claim indefinite because it is unclear what those conditions would be.

Although the applicant maintains that the phrase is not indefinite based on the disclosure in the application and the level of skill in the art, the phrase has been removed.

Claims 1 and 3-6 remain rejected, under 35 USC 102(e) as being anticipated by Gronenborn for the reasons of record set forth in the previous office action.

Claim 1 has been rewritten as new Claim 13. New Claim 13 claims a method for increasing endoreduplication in a plant. Gronenborn does not disclose or suggest such a method. In 35 USC 101 it states that "Whoever invents or discovers any new and useful process... may obtain a patent therefor, subject to the conditions and requirements of this title". In 35 USC 100(b), the term "process"... includes a new use of a known process.... The claims recite "A method for modulating endoreduplication". As noted above such a use is not known or suggested by Gronenborn. Therefore, Claim 13 is not anticipated or obvious over Gronenborn.

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Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

In view of the above comments and amendments withdrawal of the outstanding rejections is respectfully requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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In the Claims:

Claims 1, 4, and 7 have been cancelled.

Claims 3, 5, 9, 10, and 12 have been amended as follows:

3. (Twice Amended) The method of claim [1] 13 wherein the polynucleotide is wheat dwarf virus RepA.
5. (Amended) The method of claim [4] 13 wherein the plant cell is from a monocot or a dicot plant.
9. (Twice Amended) The method of claim [7] 16 wherein the polynucleotide is wheat dwarf virus RepA.
10. (Amended) The method of claim [7] 16 wherein the plant cell is a monocot or a dicot.
12. (Amended) The method of claim [7] 16 wherein the promoter is inducible, or regulated in a tissue specific manner, or developmentally or temporally regulated.

New claims 13, 14, 15, 16 and 17 have been added as follows:

13. A method for increasing endoreduplication in a plant comprising stably transforming a plant cell with an isolated plant geminivirus replicase

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polynucleotide operably linked to a promoter capable of driving expression in the plant cell, growing the plant cell to produce a transformed plant, wherein the transformed plant exhibits increased endoreduplication compared to a corresponding non-transformed plant.

14. The method of claim 6 wherein the plant is corn or soybean.
15. The method of claim 13 wherein the promoter is inducible, or regulated in a tissue specific manner, or developmentally or temporally regulated.
16. A method for increasing crop yield comprising stably transforming a plant cell with an isolated plant geminivirus replicase polynucleotide operably linked to a promoter capable of driving expression in the plant cell, growing the transformed plant cell to produce a transformed plant, wherein the transformed plant exhibits increased yield compared to a corresponding non-transformed plant.
17. The method of claim 11 wherein the plant is corn or soybean.